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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 ***IN RE: SOCIAL MEDIA ADOLESCENT***
15 ***ADDICTION/PERSONAL INJURY***
16 ***PRODUCTS LIABILITY LITIGATION***

17
18 Case to be considered related:
19 *In re: Subpoena to Meta Platforms, Inc.*,
20 No. 3:25-mc-80352

21 Case No. 4:22-md-03047-YGR

22 **PETITIONERS' JAMES UTHMEIER, IN**
23 **HIS OFFICIAL CAPACITY AS**
24 **ATTORNEY GENERAL OF THE STATE**
25 **OF FLORIDA, AND JONI ALEXIS**
26 **POITIER, JOHN MARTIN HAYES,**
27 **KYMBERLEE CURRY SMITH, PATRICK**
28 **KILBANE, JOSEPH VAN DE BOGART,**
 MARVA PRESTON, AND RICK JOYCE,
 IN THEIR OFFICIAL CAPACITIES AS
 COMMISSIONERS OF THE FLORIDA
 ELECTIONS COMMISSION,
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES SHOULD
 BE RELATED

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3 Petitioners James Uthmeier, in his official capacity as Attorney General of the State of
4 Florida, and Joni Alexis Poitier, John Martin Hayes, Kymberlee Curry Smith, Patrick Kilbane,
5 Joseph Van de Bogart, Marva Preston, and Rick Joyce, in their official capacities as Commissioners
6 of the Florida Elections Commission (collectively, “Petitioners”), will and hereby do move this
7 Court under Civil Local Rule 3-12 to consider whether their Motion to Compel Respondent Meta
8 Platforms, Inc. (“Meta”) to produce approximately 4,000 non-privileged documents identified by
9 Bates number that Meta previously produced in *In re: Social Media Adolescent Addiction/Personal*
10 *Injury Products Liability Litigation*, No. 4:22-md-03047, MDL No. 3047 (N.D. Cal.), is related to
11 this case. The title and case number of Petitioners’ Motion to Compel is *In re: Subpoena to Meta*
12 *Platforms, Inc.*, No. 3:25-mc-80352. The title and case number of this case is *In re: Social Media*
13 *Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047.

14 Petitioners' Motion to Compel concerns Meta, which is of course a party to this case, and
15 whether Meta should be compelled to produce approximately 4,000 documents that Meta produced
16 in this case and which were cited in the expert reports of the Consolidated Attorneys General
17 Plaintiffs in this case. *See In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Ex. H,
18 Doc. 1-9 (Nov. 6, 2025) (identifying the documents by Bates number). Petitioner sought these
19 materials as part of a Rule 45 subpoena issued to Meta in *NetChoice, LLC v. Uthmeier*, No. 4:21-
20 cv-220-RH-MAF (N.D. Fla.) (hereinafter, *Netchoice*). In *NetChoice*, Petitioners are defending a
21 Florida law challenged on facial and as-applied grounds by two internet trade associations
22 (NetChoice, LLC, and the Computer & Communications Industry Association) on behalf of their
23 members, which include Meta. *See In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352,
24 Motion to Compel, Doc. 1 at 3-18 (N.D. Cal. Nov. 6, 2025) (explaining the background of
25 *NetChoice* in more detail). Petitioners served a Rule 45 subpoena on Meta and offered to resolve
26 their Requests 7 through 14, which pertain to Meta's content-moderation activities and policies and
27 related use of algorithms, machine-learning, and artificial intelligence, through production of Meta
28 materials referenced or cited in the expert reports for the Consolidated Attorneys General Plaintiffs

1 in this MDL case. Such materials would likely provide information about Meta’s product designs
 2 similar to what Petitioners sought in Requests 7 through 14. *Id.* at 14-15; *see also In re: Social*
 3 *Media Adolescent Addiction/Personal Injury Prods. Liab. Litig.*, No. 4:22-md-03047, Doc. 2157
 4 (N.D. Cal. Aug. 5, 2025) (identifying four expert witnesses testifying about Meta’s “Design”); *id.*,
 5 Doc. 2129 (N.D. Cal. July 23, 2025) (explaining that expert Arvind Narayanan offers “opinions
 6 concerning Defendants’ algorithms”).

7 Eventually, Meta asserted that it could not use the expert reports—identified as Confidential
 8 by the Consolidated Attorney General Plaintiffs in this case—to identify Meta documents because
 9 the protective order in this MDL case prohibited Meta from doing so. *See In re: Subpoena to Meta*
 10 *Platforms, Inc.*, No. 3:25-mc-80352, Ex. F Letter from Kasdin Mitchell, counsel for Meta, to Clark
 11 Hildabrand, counsel for Petitioners (Aug. 22, 2025), Doc. 1-7 (N.D. Cal. Nov. 6, 2025). Due to
 12 Meta’s position regarding the protective order in this case, Petitioners provided Meta with a list of
 13 approximately 4,000 Bates numbers of Meta documents cited in the expert reports in this case that
 14 Petitioners obtained from the Consolidated Attorneys General Plaintiffs’ counsel in compliance
 15 with the protective order in this case. *See* E-mails between *In re: Subpoena to Meta Platforms, Inc.*,
 16 No. 3:25-mc-80352, Ex. G E-mails between Clark Hildabrand, counsel for Petitioners, and Jordan
 17 Greene, counsel for Meta, Doc. 1-8 (N.D. Cal. Nov. 6, 2025) (explaining the list filed as Ex. H,
 18 Doc. 1-9).

19 After additional discussion, Meta changed its position regarding the protective order in this
 20 case. Despite Meta’s earlier assertion that it would violate the protective order in this MDL case
 21 for Meta to use the expert reports to identify documents to produce in *NetChoice*, Meta then offered
 22 to produce presentations and policy documents—but not internal communications—“cited in line
 23 or in the footnotes of” the reports of the four design experts (Estes, Gray, Istook, and Narayanan).
 24 *Id.* Petitioners made one final offer to resolve this dispute and, reserving their right to seek all
 25 documents cited in the Consolidated Attorneys General’s expert reports, asked Meta to produce all
 26 Meta materials referenced or cited in the reports of the four design experts. Petitioners explained
 27 that Meta’s offer to produce only some of those documents was inconsistent with its earlier position
 28 that it could not use the expert reports to identify documents. *Id.* Petitioners also noted that Meta’s

1 offer excluded internal communications and other “nonpolicy” documents. *Id.* Petitioners reiterated
 2 that the production of 4,000 documents is not unduly burdensome given the scope and importance
 3 of the issues in the trade associations’ action, that Meta has voluntarily assisted the trade association
 4 with its litigation of claims on Meta’s behalf, and that Meta has already reviewed and produced the
 5 documents in other litigation. *Id.* And Petitioners emphasized that if the documents were relevant
 6 to expert reports about the design of Meta’s products and its use of algorithms, they are likely
 7 relevant to how Meta designs content-moderation systems and uses algorithms.

8 Meta declined Petitioners’ final offer and again refused to explain why particular documents
 9 were irrelevant. Meta continued to decline Petitioners’ final offer even after the circuit court in
 10 Florida’s state court action against Meta (which presents similar issues as to this MDL case) denied
 11 Meta’s motion to dismiss. *See Order on Def.’s Mot. to Dismiss, Off. of the Att’y Gen. v. Meta*
 12 *Platforms, Inc.*, No. 2024-CA-3193 (Fla. Cir. Ct. Oct. 27, 2025), *filed at In re: Subpoena to Meta*
 13 *Platforms, Inc.*, No. 3:25-mc-80352, Ex. I, Doc. 1-10 (N.D. Cal. Nov. 6, 2025). The Joint Case
 14 Management Statement in that Florida state court action provides that “Meta is prepared to
 15 reproduce all documents produced in the MDL” upon entry of a protective order. Joint Case
 16 Management Statement at 7, *Off. of the Att’y Gen. v. Meta Platforms, Inc.*, No. 2024-CA-3193 (Fla.
 17 Cir. Ct. July 7, 2025), *filed at In re: Subpoena to Meta Platforms, Inc.*, No. 3:25-mc-80352, Ex. J,
 18 Doc. 1-11 at 7 (N.D. Cal. Nov. 6, 2025). Thus, Meta can no longer have any objection that producing
 19 the 4,000 documents from the MDL to Florida would constitute early discovery or unduly burden
 20 Meta, but Meta still refuses to produce the 4,000 documents for Petitioners to use in defending
 21 themselves against the trade associations’ action in *NetChoice*.

22 As shown by the above description of the discovery dispute, Petitioners’ motion to compel
 23 appears related to this MDL case. *See* Local Civil Rule 3-12(a). The dispute centers on whether
 24 Meta, a party to this MDL case and to the motion to compel, must produce approximately 4,000
 25 documents that it previously produced in this case and that have been referenced or cited in expert
 26 reports in this case. The form of Petitioners’ request is structured to alleviate Meta’s previously
 27 expressed concern that the protective order in this MDL case prohibits Meta from analyzing the
 28 Consolidated Attorneys General Plaintiffs’ expert reports to create a list of Meta documents, and

1 the judges in this case would be in the best position to analyze what the protective order in this case
 2 requires.

3 It also appears that there would be an unduly burdensome duplication of labor and expense
 4 or conflicting results if a different judge were to handle Petitioners' motion to compel. Respectfully,
 5 Judge Yvonne Gonzalez Rogers and Magistrate Judge Peter H. Kang have a better understanding
 6 of the complex, yearslong multidistrict litigation than the Magistrate Judge Thomas S. Hixson, who
 7 has been assigned to the motion to compel. In the subpoena for *NetChoice*, which is on remand
 8 from the Supreme Court, Petitioners seek additional information and documents from Meta to
 9 answer several Justices' concern that how Meta uses algorithms and the extent to which it uses
 10 machine-learning and artificial intelligence to recommend, present, or prioritize material bear on
 11 the First Amendment analysis of the challenged Florida law. *See Moody v. NetChoice, LLC*, 603
 12 U.S. 707, 746 (2024) (Barrett, J., concurring); *id.* at 795 (Alito, J., joined by Thomas & Gorsuch,
 13 JJ., concurring in the judgment); *see also id.* at 726, 734 (majority) (noting that the record was
 14 “incomplete” and “underdeveloped”); *id.* at 749 (Jackson, J., concurring in part and concurring in
 15 the judgment) (indicating the need for “further factual development” before the issues could be
 16 “fully and fairly addressed”). Those issues have also arisen in this case. This MDL case has resulted
 17 in extensive discovery as the Court also recognizes that a “conduct-specific, feature-by-feature
 18 assessment of defendants’ platforms” is required for “First Amendment purposes.” *In re Soc. Media*
 19 *Adolescent Addiction/Pers. Inj. Prods. Liab. Litig.*, 754 F. Supp. 3d 946, 962 (N.D. Cal. 2024).

20 The Ninth Circuit’s recent decision in *NetChoice, LLC v. Bonta*, which itself involved a
 21 challenge to a California law about addictive social media design, confirms that the First
 22 Amendment concerns about the use of algorithms in addictive social media litigation overlap with
 23 the First Amendment issues that Petitioners sought to analyze through the materials requested in
 24 the subpoena of Meta. 152 F.4th 1002, 1014 (9th Cir. 2025) (agreeing that “the unique design of
 25 each platform and its algorithm affects whether the algorithm at issue is expressive . . . for First
 26 Amendment purposes”). An “algorithm that ‘respond[s] solely to how users act online,’ merely
 27 ‘giving them the content they appear to want,’ probably is not expressive.” *Id.* (quoting *Moody*, 603
 28 U.S. at 736 n.5 (majority)).

1 Rather than a different judge analyzing the First Amendment issues that have already arisen
 2 regarding Meta's products in this MDL case, scrutinizing the protective order entered in the MDL
 3 case, and deciding whether Meta documents produced in the MDL case should also be produced to
 4 Petitioners, the same judges who have handled the MDL case should handle the motion to compel.
 5 Petitioners request that the Motion to Compel be considered related to this MDL case and thus be
 6 assigned to Judge Yvonne Gonzalez Rogers and, if necessary, referred to Magistrate Judge Peter
 7 H. Kang. Petitioners have noted on their Motion to Compel that they viewed the Motion to Compel
 8 as related to this MDL case and requested Meta's position regarding whether the Motion to Compel
 9 is related to this Case. As explained in the attached declaration, a stipulation could not be obtained
 10 as Meta plans to move to transfer the Motion to Compel, filed in the federal district court where
 11 Meta's compliance was required, to the U.S. District Court for the Northern District of Florida.

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13 Dated: November 14, 2025

Respectfully submitted,

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/s/ Julie R. Campos

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*Pro hac vice applications forthcoming

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